

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
ZONING VARIANCE
NE/S Yardley Drive, 224 ft. N of c/l Loganview Drive
3451 Yardley Drive
12th Election District
7th Councilmanic District
Albert M. King, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Albert M. King and Kathryn S. King, for that property known as 3451 Yardley Drive in the Dundalk section of Baltimore County. The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 21 ft., in lieu of the required 25 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of July, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 21 ft., in lieu of the required 25 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

T.RS/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 7, 1993

Mr. and Mrs. Albert M. King
3451 Yardley Drive
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
Case No. 93-432-A
3451 Yardley Drive

Dear Mr. and Mrs. King:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm
encl.



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 3451 YARDLEY DRIVE
which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 of the B.C.Z.R., to permit A Front yard setback of 21' in lieu of the required 25'. SEE ATTACHED Exhibit "A"

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner Name: ALBERT MITCHELL KING
Type or Print Name: ALBERT MITCHELL KING
Signature: [Signature]
Address: 3451 YARDLEY DRIVE, BALTIMORE, MARYLAND 21222
City: BALTIMORE, MARYLAND 21222
State: MARYLAND
Zip Code: 21222
Signature: [Signature]
Address: 3451 YARDLEY DRIVE, BALTIMORE, MARYLAND 21222
City: BALTIMORE, MARYLAND 21222
State: MARYLAND
Zip Code: 21222
Signature: [Signature]
Address: 3451 YARDLEY DRIVE, BALTIMORE, MARYLAND 21222
City: BALTIMORE, MARYLAND 21222
State: MARYLAND
Zip Code: 21222

A Public Hearing having been requested and/or found to be required, the Zoning Commissioner of Baltimore County, this 7th day of July, 1993, has considered the petition and the evidence presented and has decided to grant the petition for a Variance from Section(s) 1802.3.C.1 of the B.C.Z.R., to permit A Front yard setback of 21' in lieu of the required 25'. SEE ATTACHED Exhibit "A"

REVIEWED BY JCM DATE 6-3-93
ESTIMATED POSTING DATE 6-13-93
ITEM # 437

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3451 YARDLEY DRIVE, BALTIMORE, MARYLAND 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include variance or practical difficulty)

SEE ATTACHED EXHIBIT "A"

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Kathryn S. King
Albert King

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kathryn S. King and Albert King

the Affiant(s) herein, personally known and satisfactorily identified to me as each Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/21/93



My Commission Expires:

JEAN E. JOHNSON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 4, 1995

TO WHOM IT MAY CONCERN.
WE, ALBERT AND KATHRYN KING, ARE ASKING FOR A VARIANCE FROM BALTIMORE COUNTY TO ENCROACH FOUR FEET INTO THE MINIMUM SETBACK LINE. CURRENTLY OUR HOUSE IS AT TWENTY SEVEN FEET BACK FROM THE FRONT PROPERTY LINE. THE SETBACK LINE IS TWENTY FIVE FEET WHICH ONLY GIVES US TWO FEET TO WORK WITH. WE ARE ASKING TO BE ABLE TO ENCROACH ONLY FOUR FEET INTO THE SETBACK LINE. THIS WOULD ENABLE US TO BUILD A SIX FEET ADDITION ONTO THE FRONT OF OUR HOUSE.

WE ARE SEEKING TO ADD AN ADDITIONAL SIX FEET ONTO THE FRONT OF OUR HOUSE SO THAT OUR FAMILY CAN HAVE ADEQUATE SPACE FOR THE PREPARATION AND CONSUMPTION OF A MEAL. OUR CURRENT KITCHEN IS TEN FEET BY TEN FEET. AFTER TAKING OUT SPACE FOR THE CABINETS AND ALL NECESSARY APPLIANCES THE TOTAL SPACE LEFT IS ONLY THREE FEET BY FOUR. THIS IS BARELY ENOUGH ROOM TO TURN AROUND, AND IN NO WAY GIVES US ENOUGH ROOM TO PLACE A KITCHEN TABLE SO THAT WE MAY SIT DOWN AND EAT TOGETHER.

WE CURRENTLY OWN AND RESIDE AT THIS ADDRESS WITH TWO CHILDREN AND ONE ON THE WAY. THE LIMITED SPACE HAS CAUSED US SUBSTANTIAL HARDSHIP IN THE PREPARATION AND CONSUMPTION OF A MEAL AND WILL ONLY GET HARDER WHEN A THIRD CHILD IS BORN.

ANY HELP THAT YOU COULD GIVE US WITH THIS MATTER WOULD BE GREATLY APPRECIATED.

THANKS IN ADVANCE.
ALBERT AND KATHRYN KING
Albert M. King
Kathryn S. King
3451 YARDLEY DRIVE DUNDALK MD.

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 23, 1993

No. 3451 Yardley Drive
Lot 10, Block 3, Plat 60, Dundalk, 14/113 & 114
12th District Baltimore County, Maryland

Beginning for the same on the northeast side of Yardley Drive (50 feet wide) at the distance of 224.88 feet measured along the northeast side of Yardley Drive from the center of Loganview Drive, thence running and binding on the northeast side thereof by a line curving to the left with a radius of 435 feet for a distance of 49 feet, thence leaving Yardley Drive for three lines of division as follows: North 57 degrees 56 minutes East 111.51 feet, South 36 degrees 43 minutes 09 seconds East 62.60 feet and South 64 degrees 23 minutes 34 seconds West 120.08 feet to the place of beginning.

Containing 0.15 acres of land more or less.

437



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 6/20/93
Posted for: Variance
Petitioner: Albert & Kathryn King
Location of property: 3451 YARDLEY DRIVE, BALTIMORE, MARYLAND
Location of Sign: Front yard, on property of petitioner
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/25/93
Number of Signs: 1



Date: 6-3-93 93-432-A
ALBERT KING - 3451 YARDLEY DR.
Admin. V. (010) 50.00
Posting (080) 35.00
85.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

\$85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 437
Petitioner: Albert Mitchell King
Location: 3451 Yardley Drive, Baltimore, MD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ALBERT KING
ADDRESS: SAFARI
PHONE NUMBER: 284-1735

AJ:pgs (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 25, 1993

Mr. and Mrs. Albert Mitchell King
3451 Yardley Drive
Baltimore, MD 21222

RE: Case No. 93-432-A, Item No. 437
Petitioner: Albert Mitchell King, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. King:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 3, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-17-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 437 (JCM)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 16, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 433, 434, 436 and 437.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Pat Keller*

PK/JL:lw

433.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: June 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: June 24, 1993 Meeting

#433 - No comments
#434 - No comments
#435 - No comments
#436 - No comments
#437 - No comments
#438 - Building shall be built in compliance with the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
#439 - Building shall comply with the applicable sections of the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
#440 - No comments

RECEIVED
JUN 17 1993
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 16, 1993

TO: Albert and Kathryn King
3451 Yardley Drive
Baltimore, Maryland 21222

Re: CASE NUMBER: 93-432-A (Item 437)
3451 Yardley Drive
3451 Yardley Drive, 224' W from c/o Logansview Drive
12th Election District - 7th Councilmanic

NOTICE OF CASE NUMBER ASSIGNMENT

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 21, 1993. The closing date (July 6, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

cc: Dale W. Turner

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AUTHORIZATION LETTER

93-432-A

Mrs. King
(property owner)

Now-Image
(applicant)

to make application for
a building permit to construct a 6x13 Addition and 6x22 Porch
(description of work)

at 3451 Yardley Drive
(job location)

As property owner, I understand that I am responsible for any and all work that will result from the issuance of required permits, orders or notices concerning violations. In doing this work, all provisions of the Harford County Codes and laws of the State of Maryland will be complied with, whether specified or not.

Robert King
Witness

Robert King
Property Owner

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437 93-432-A

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES
Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 - In D.R.2, D.R.3.5 and D.R.5.5 zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the lot side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefore in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

Normal Required Setbacks
D.R.2 - 65 ft.
D.R.3.5 - 55 ft.
D.R.5.5 - 50 ft.

NOTE TO HRC. OFFICE: § 303.1 Front Yarding NOT AN ISSUE PER APPLICANT'S CALCULATIONS. JCM.

